

# **EXHIBIT A**

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5 -and-

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10 Attorneys for Plaintiff and Counter-Defendant  
ALL NIPPON AIRWAYS COMPANY, LTD.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14 ALL NIPPON AIRWAYS COMPANY, )  
15 LTD., )

16 Plaintiff,

17 vs.

18 UNITED AIR LINES, INC., )

19 Defendant. )

Case No. C07-03422 EDL

**ALL NIPPON AIRWAYS  
COMPANY, LTD.'S FIRST SET  
OF DOCUMENT REQUESTS TO  
UNITED AIR LINES, INC.**

20 AND RELATED COUNTERCLAIM

21 Plaintiff and Counter-Defendant, ALL NIPPON AIRWAYS COMPANY,  
22 LTD. (hereinafter referred to as "ANA"), by and through its attorneys, Condon &  
23 Forsyth LLP, hereby requests that Defendant and Counter-Plaintiff United Air  
24 Lines, Inc. (hereinafter referred to as "UAL") answer the following Document  
25 Requests within 30 days pursuant to Fed. R. Civ. P. 34.

26 **DEFINITIONS**

27 A. The term "Accident" refers to the collision of NH007 and UA809  
28 at San Francisco International Airport on October 7, 2003.

1           B.     The term "SGHA" shall mean IATA Standard Ground Handling  
2 Agreement including but not limited to AHM 810, AHM 819 – Annex A, and United  
3 Contract No. 108536-17 Annex B.1.3.

4           C.     The words "you" and "your" shall be deemed synonymous with  
5 the defendant listed above and shall be deemed to include any and all attorneys,  
6 agents, investigators, servants, employees, experts, representatives and insurers,  
7 whether appointed by you or someone acting on your behalf, or as authorized by  
8 operation of law.

9           D.     The word "document" refers to any kind of written, typewritten,  
10 printed, or recorded material whatsoever, including, without limitation, papers, legal  
11 filings, orders, agreements, contracts, notes, memoranda, correspondence, letters,  
12 lists, logs, telegrams, facsimiles, reproductions, statements, invoices, receipts, books,  
13 manuals, brochures, reports, official forms, minutes, records, maps, plans,  
14 photographs, transcriptions, recordings, videotapes, graphs, computer printouts,  
15 indexes, data sheets, diaries, diagrams, drawings, models, and microfiche/microfilm  
16 of which you have any knowledge or information, whether in your possession,  
17 custody or control or not, and includes, where applicable, originals, all copies of  
18 original documents, and all drafts prepared in connection therewith.

19           E.     A request to identify a person shall be deemed to include a  
20 request for the following information:

- 21                   (1)    The person's full name;
- 22                   (2)    The person's last known residence and business addresses;
- 23                   (3)    The person's last known residence and business telephone  
24                            numbers; and
- 25                   (4)    The person's company affiliation or employer at the  
26                            relevant time inquired about and the capacity in which the  
27                            person was then serving said company or employer.
- 28

F. A request to identify a place or location shall be deemed to include a request for the complete mailing address of that place or location.

G. A request to identify a document shall be deemed to include a request for the following information:

- (1) The title of the document or, if untitled, a description thereof sufficiently specific so as to facilitate its recognition;
- (2) The identity of the author of the document, if applicable;
- (3) The date of the document, if applicable; and
- (4) The identity of the present custodian of the document.

## DOCUMENT REQUESTS

### REQUEST NO. 1:

Attach true and correct copies of all documents and/or agreements concerning the provision of ground handling and/or ramp control services, including but not limited to directing aircraft from control towers, at San Francisco International Airport and involving any of the following entities: United Air Lines, San Francisco International Airport, San Francisco Airport Air Traffic Control Tower, the Federal Aviation Administration, and/or San Francisco Terminal Equipment Co.

### REQUEST NO. 2:

Attach true and correct copies of the personnel and training records for Edward Loh, including, but not limited to, all documents reflecting training, certification, accidents and/or incidents involving Edward Loh, and disciplinary actions.

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**REQUEST NO. 3:**

Attach true and correct copies of the personnel and training records for John Rediger, including, but not limited to, all documents reflecting training, certification, accidents and/or incidents involving John Rediger, and disciplinary actions.

**REQUEST NO. 4:**

Attach true and correct copies of the personnel and training records for Scott M. Russell, including, but not limited to, all documents reflecting training, certification, accidents and/or incidents involving Scott M. Russell, and disciplinary actions.

**REQUEST NO. 5:**

Attach true and correct copies of the personnel and training records for Brad Powell, including, but not limited to, all documents reflecting training, certification, accidents and/or incidents involving Brad Powell, and disciplinary actions.

**REQUEST NO. 6:**

Attach true and correct copies of the personnel and training records for Julio Hernandez, including, but not limited to, all documents reflecting training, certification, accidents and/or incidents involving Julio Hernandez, disciplinary actions, and retraining records from after the Accident.

**REQUEST NO. 7:**

Attach true and correct copies of the personnel and training records for Richard Kato, including, but not limited to, all documents reflecting training, certification, accidents and/or incidents involving Richard Kato, disciplinary actions, and retraining records from after the Accident.

**REQUEST NO. 8:**

Attach true and correct copies of any and all Ground Handling Agreements

1 between United Air Lines, Inc. and All Nippon Airways Co., Ltd. in effect on  
2 October 7, 2003.

3 **REQUEST NO. 9:**

4 Attach true and correct copies of any and all results and/or records of the  
5 urine sample testing for Edward Loh in connection with the Accident.

6 **REQUEST NO. 10:**

7 Attach true and correct copies of any and all results and/or records of any  
8 check(s) conducted on Edward Loh for fitness for duty.

9 **REQUEST NO. 11:**

10 Attach true and correct copies of any and all results and/or records of any  
11 physical psychological examination conducted on Edward Loh in connection with  
12 the Accident.

13 **REQUEST NO. 12:**

14 Attach true and correct copies of any and all audio and/or video recordings  
15 in relation to the Accident and the surrounding events.

16 **REQUEST NO. 13:**

17 Attach true and correct copies of any and all documents, reports,  
18 memoranda, warnings, cautions, and/or communications by UAL regarding ground  
19 collisions of any UAL aircraft during pushback procedures.

20 **REQUEST NO. 14:**

21 Attach true and correct copies of any and all documents from the UAL study  
22 of its Ramp Towers system-wide.

23 **REQUEST NO. 15:**

24 Attach true and correct copies of any and all documents reflecting UAL  
25 procedural changes resulting from or arising out of the Accident.

26 **REQUEST NO. 16:**

27 Attach true and correct copies of all documents and/or agreements since  
28

January 1, 1997, concerning the use of wing walkers at San Francisco International Airport, between United Air Lines and: (i) the City of San Francisco; (ii) San Francisco International Airport; and/or (iii) San Francisco Terminal Equipment Co.

**REQUEST NO. 17:**

Attach true and correct copies of all documents supporting the existence and calculation of UAL's alleged damages.

**REQUEST NO. 18:**

Attach true and correct copies of all documents reflecting "approved United Air Lines hand signals (NMOP)" referred to on page 11 of UAL's "Ramp Services Trainer Aircraft Guideperson and Wingwalker."

**REQUEST NO. 19:**

Attach true and correct copies of all invoices, bills, and documents reflecting fees charged to ANA by UAL for services performed under the SGHA between October 7, 1998 up to and including October 7, 2003.

**REQUEST NO. 20:**

Attach true and correct copies of all documents reflecting correspondence, negotiations, and interpretation of the SGHA between UAL and ANA in effect on the date of the Accident.

**REQUEST NO. 21:**

Attach true and correct copies of all documents showing that UAL's Ramp Tower G Ramp Controller provided any service to ANA under the SGHA on October 7, 2003.

**REQUEST NO. 22:**

Attach true and correct copies of all UAL manuals and documents that refer to aircraft marshalling including, but not limited to, policy, procedure, and training.

**REQUEST NO. 23:**

Attach true and correct copies of all UAL manuals and documents that refer



1 to hand signals for directing aircraft including, but not limited to, policy,  
2 procedure, and training.

3 **REQUEST NO. 24:**

4 Attach true and correct copies of all UAL manuals and documents that refer  
5 to taxiing including, but not limited to, policy, procedure, and training.

6 **REQUEST NO. 25:**

7 Attach a true and correct copy of UAL's entire operations manual.

8 **REQUEST NO. 26:**

9 Attach true and correct copies of all documents reflecting UAL policy in  
10 effect from October 7, 1998 to the present date with respect to potential conflicts  
11 with other aircraft prior to or during taxi.

12 **REQUEST NO. 27:**

13 Attach true and correct copies of all documents reflecting UAL policy and  
14 procedure with respect to the operation of Ramp Tower G at San Francisco  
15 International Airport, including but not limited to staffing, training, and managing  
16 Ramp Tower G.

17 **REQUEST NO. 28:**

18 Attach true and correct copies of all documents reflecting UAL policy and  
19 procedure with respect to directing aircraft from Ramp Tower G at San Francisco  
20 International Airport, including but not limited to phraseology.

21 **REQUEST NO. 29:**

22 Attach true and correct copies of all documents reflecting UAL policy and  
23 procedure for aircraft in Boarding Area G and surrounding non-movement areas at  
24 San Francisco International Airport.

25 **REQUEST NO. 30:**

26 Attach true and correct copies of any and all DOCUMENTS reflecting any  
27 negotiation in connection with the SGHA.  
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1 **REQUEST NO. 31:**

2 Attach true and correct copies of any and all DOCUMENTS reflecting the  
3 selection of the terms and/or provisions of the SGHA.

4 **REQUEST NO. 32:**

5 Attach true and correct copies of any and all DOCUMENTS reflecting any  
6 interpretation of the wording, terms, and/or provisions of the SGHA.

7 **REQUEST NO. 33:**

8 Attach true and correct copies of any and all DOCUMENTS reflecting the  
9 applicability of the terms and/or provisions of the SGHA.

10 **REQUEST NO. 34:**

11 Attach true and correct copies of any and all DOCUMENTS reflecting the  
12 services UAL contracted to provide ANA under the SGHA.

13 **REQUEST NO. 35:**

14 Attach true and correct copies of any and all DOCUMENTS reflecting the  
15 definition of the term "marshalling" as used in the SGHA.

16 **REQUEST NO. 36:**

17 Attach true and correct copies of any and all DOCUMENTS indicating that  
18 Ramp Tower G Ramp Controller communications with ANA aircraft on October 7,  
19 2003 were provided as a service to ANA under the SGHA.

20 **REQUEST NO. 37:**

21 Attach true and correct copies of any and all DOCUMENTS indicating that  
22 Ramp Tower G Ramp Controller communications with ANA aircraft were ever  
23 provided as a service to ANA under the SGHA.

24 **REQUEST NO. 38:**

25 Attach true and correct copies of any and all DOCUMENTS indicating that  
26 any service, not specifically listed in Paragraph 1.1.1 of United Contract No. 108536-  
27 17 Annex B.1.3, was ever provided by UAL to ANA aircraft under the SGHA.  
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1 **REQUEST NO. 39:**

2 Attach true and correct copies of any and all invoices from UAL to ANA for  
3 Ramp Tower G Ramp Controller services provided by UAL to ANA on October 7,  
4 2003 under the SGHA.

5 **REQUEST NO. 40:**

6 Attach true and correct copies of any and all invoices from UAL to ANA for  
7 Ramp Tower G Ramp Controller services provided by UAL to ANA on any occasion  
8 under the SGHA.

9 **REQUEST NO. 41:**

10 Attach true and correct copies of all maintenance and repair records of the  
11 aircraft operating as UAL Flight UA809 on October 7, 2003.

12 **REQUEST NO. 42:**

13 Attach true and correct copies of all records indicating repair and remediation  
14 performed on the aircraft operating as UAL Flight UA809 on October 7, 2003 since  
15 its manufacture.

16  
17 Dated: November 15, 2007

CONDON & FORSYTH LLP

18  
19 By: 

20 MARSHALL S. TURNER (*pro hac vice*)  
SCOTT D. CUNNINGHAM

21 Attorneys for Plaintiff and Counter-Defendant  
22 ALL NIPPON AIRWAYS COMPANY, LTD.  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **ALL NIPPON AIRWAYS COMPANY, LTD'S FIRST SET OF DOCUMENT REQUESTS TO UNITED AIR LINES, INC.** was mailed this 15<sup>th</sup> day of November, 2007, to:

Scott R. Torpey, Esq.  
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Attorneys for defendant

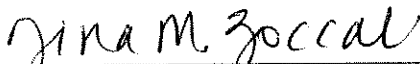
Jeffrey A. Worthe, Esq.  
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Santa Ana, CA 92705

Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
HEATHER L. JACKSON

Sworn to before me this  
15<sup>th</sup> day of November, 2007

  
Notary Public

TINA M. ZOCCALI  
Notary Public, State of New York  
No. 01ZO6059025  
Qualified in Rockland County  
Commission Expires May 21, 20 11